



# Legislative Research Council

# MINUTES

## State-Tribal Relations Committee

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Senator Jim Bradford, Chair  
Representative Troy Heinert, Vice Chair

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Third Meeting  
2014 Interim

Room 413, State Capitol  
Pierre, South Dakota

### Monday, December 29, 2014

The third meeting of the State-Tribal Relations Committee for 2014 was called to order by Senator Jim Bradford at 11:30 a.m. in room 413 of the State Capitol in Pierre.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford, and Billie Sutton (via telephone); Representatives Troy Heinert, Kevin Killer (via telephone), Elizabeth May, and Lee Qualm. Members excused: Senators Chuck Jones, Ernie Otten, Craig Tieszen; and Representative Mike Verchio.

Staff members present were Amanda Reiss, Senior Legislative Attorney; Stephanie Gruba, Fiscal Analyst; and Cindy Tryon, Senior Secretary.

*NOTE: For purpose of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents distributed at the meeting are attached to the original minutes on file in the Legislative Research Council (LRC).*

An opening prayer was offered by **Senator Jim Bradford**, Committee Chair.

### Approval of Minutes

**A MOTION WAS MADE BY REPRESENTATIVE HEINERT, SECONDED BY REPRESENTATIVE QUALM, THAT THE SEPTEMBER 29, 2014, MINUTES BE APPROVED. The motion prevailed on a roll call vote with 6 voting AYE, 4 EXCUSED. Those voting AYE: Killer, May, Qualm, Sutton, Heinert, Bradford. Those EXCUSED: Jones, Otten, Tieszen, Verchio.**

### Juvenile Justice Reinvestment Initiative Workgroup

**Senator Billie Sutton** is a member of the Juvenile Justice Reform workgroup and gave a report. The three main areas of focus for the group are: find ways to reduce recidivism; effectively hold juvenile offenders more accountable; and reduce juvenile justice costs.

Approximately 75% of the juveniles committed are incarcerated for non-violent offenses. Fewer juveniles are being committed but they are being committed for much longer periods of time. South Dakota has the second highest commitment rate in the nation for juveniles.

The workgroup developed twelve recommendations:

1. Establish presumptive probation – CHINS – need probation first.
2. Establish CART (Community Alternative Response Team) teams using existing resources.
3. Limit the length of stay in DOC out of home placement (DOC Secretary can extend it if needed).

4. Increase the use of diversion – offer diversion programs to keep juveniles out of the system.
5. Designate certain offenses as ticketable offenses (petty theft, property damage, etc.).
6. Cap the duration of probation at four months.
7. Develop an array of effective interventions for youth with justice system involvement.
8. Insure access to effective intervention for rural areas. Trying to use some type of tele-help models. There will be a pilot program regarding this recommendation.
9. Develop a pilot program to improve outcomes for Native American youth, sharing resources across jurisdictions and led by the Department of Tribal Relations.
10. Appoint oversight council to monitor and evaluate these reforms.
11. Require the DOC, UJS, and DSS to develop performance measures. These will be reported to the oversight council.
12. Collect data on the use of beds and the actual cost of commitment.

Senator Sutton pointed out that we need to find ways to improve a child's chance at success and keep them out of the system in the first place.

### **Tribal Economic Development Task Force**

**Chairwoman Roxanne Sazue, Crow Creek Sioux Tribe, and Vice-Chair of the Tribal Economic Development Task Force**, talked about the first task force meeting that was held on December 9, 2014. Chairwoman Sazue said that she sees this task force as an opportunity for the tribes and the state to work together hand-in-hand. The tribes and the state have to learn to trust each other; they may not always agree but it is important to be partners. She said that she is willing to work with the state to better the lives of her people. Chairwoman Sazue said that through the task force there will be a lot of sharing and a lot of learning; that we're through the door now and on our way.

**Representative Don Hagggar, Chair of the Tribal Economic Development Task Force**, called into the committee meeting to also report on the first task force meeting. Six out of the nine tribes were represented at the first task force meeting, including Crow Creek Sioux Tribe, Flandreau Santee Sioux Tribe, Lower Brule Sioux Tribe, Rosebud Sioux Tribe, Standing Rock Sioux Tribe and the Yankton Sioux Tribe. The Sisseton-Wahpeton Oyate has appointed a delegate to the task force but he was not able to attend because of the weather.

Representative Hagggar said that Jason Gant, Secretary of State, talked to the task force about the UCC code service provided by the Secretary of State's office at no cost to the tribes. Marcia Hultman, Secretary of the Department of Labor, talked about some of the job service and job training programs that are available. Kim Easland, Finance Director for the Governor's Office of Economic Development, presented information about loan and grant programs that office has available.

Representative Hagggar said that there was a very positive tone throughout the meeting and there is a sincere desire from all involved with the task force to make progress in the area of economic development on the Reservations.

### **Office of Tribal Relations**

**Mr. Steve Emery, Secretary, Office of Tribal Relations**, having just recently been appointed to this position, introduced himself to the committee. Mr. Emery said that in addition to new projects, his office is carrying on with some of the work Mr. LaPlante had started. The main focus for the office right now is economic development with a strong emphasis on agriculture. The office is also focusing on public safety issues and education.

Mr. Emery is working closely with the Tribal Economic Development Task Force and will be meeting with Lower Brule Chairman Mike Jandreau to discuss the process that tribe uses to obtain loans for development on trust lands and will report on that at the next task force meeting.

Mr. Emery said that he looks forward to working with the State Tribal Relations Committee and if any members have questions or concerns they should feel free to contact his office.

### **Department of Education**

**Dr. Melody Schopp, Secretary, SD Department of Education**, reported to the committee that Mr. Lowell Amiotte is the Director of the Office of Indian Education but was too ill to be able to attend today's committee meeting. The Office of Indian Education is collecting and saving elders' stories, the true history through their voices, which can then be used by teachers in relating that true history to their students.

Dr. Schopp said that additional funding for the JAG (Jobs for America's Graduates) program has been requested. This program focuses on students at high risk not to graduate from high school and works with them. There are 144 students enrolled in the program this year. Last year, only one of the students who participated did not graduate and he has enrolled again this year. The program focuses on making sure the students are aware of all the post-secondary opportunities that are available to them.

Dr. Schopp said that a work group has been put together to search for ways to improve the Native American students' success rates. The group has met four times and their goal is to find a way to meet the needs of the Native American students.

A few schools are open to bringing in instructional coaches and there has been some early success with that program. Education is looking at some other possible pilot programs. The Superintendent for the Wagner schools has had great success with their summer programs. There are other programs that are working in communities where they are focusing on the importance of good attendance. The best successes are found where the community works with the school system in getting the students to school.

Senator Bradford said he would like to see the scholarship program expanded to encourage our Native American students to become teachers and work in tribal schools. These Native American teachers then serve as role models to their students. Dr. Schopp said that the Department has been working with some Deans of Education in trying to expand the opportunities for para-professionals to go back to school and become teachers in their own local schools.

### **Department of Social Services**

**Ms. Lynne Valenti, Secretary, Department of Social Services, and Virgena Wieseler, Director, Division for Child Protection Services**, talked to the committee about various programs they have available. The low income heating program is under the Department of Social Services and six of the tribes implement their own heating programs. The tribes have been asked to review the 2010 census information that resulted in new agreements having to be drawn up.

The Standing Rock Sioux Tribe will now be operating their own child support program. The Sisseton-Wahpeton Oyate already operate their own child support program.

Ms. Wieseler reported that the Division of Child Protection Services has agreements with four of the tribes: Sisseton-Wahpeton Oyate, Standing Rock Sioux Tribe, Flandreau Santee Sioux Tribe, and the

Oglala Sioux Tribe. These agreements allow for the tribes to receive federal funding that is passed through DSS for Child Protection Services. The division is in the process of working with the Yankton Sioux Tribe and the Crow Creek Sioux Tribe on preparing agreements with them.

Ms. Wieseler also explained that they work with all nine tribes on increasing placement, training on what constitutes a good kinship placement, training for parenting, and unity training for prospective foster parents. They also have an agreement with the Rosebud Sioux Tribe for providing funding to train foster parents and kinship providers. DSS works with all the tribes on learning about the options they have regarding Title IV-E (**Document #1**). They have increased the number of foster homes by ten for Native American children, three in Rapid City and the others on tribal land.

Senator Bradford asked about enforcement of child support mandates. Ms. Valenti explained that DSS does enforce all judicial orders of child support. She said that there are some issues with fines and delinquent child support on the Reservations. There are certain provisions required by the federal government such as withholding a driver's license, and the tribes have to enforce those on the Reservations. If the delinquent parent goes to work off the Reservation, then the state collects the back child support.

**Representative Lee Qualm** asked about the working relationship between DSS and the tribes. Ms. Valenti said that the relationships with most of the tribes are good and some could be improved, but for the most part the State and the Tribes are partners in these programs.

**Representative Elizabeth May** asked about the tribes encouraging foster parents. Ms. Wieseler said that the tribes have been very active in recruiting foster parents. Communication and education are essential when it comes to finding and preparing foster parents.

### **Public Testimony**

**Mr. Paul Seamans, Dakota Rural Action Board Member, Draper**, testified that Dakota Rural Action is a statewide grassroots group that works on agricultural issues. This group has been addressing issues with the Keystone XL pipeline and has a lot of the same interests as the tribes. Mr. Seamans added that protection of water is vital and that they have unsuccessfully introduced bills for several years to establish a protection fund in case of a spill or other such damage to our water sources.

### **Committee Discussion**

Senator Bradford said that this is the committee's final scheduled meeting for the 2014 interim. The committee is designed to bring information forward, not to write legislation. But the committee can offer up legislation if it so chooses.

**Representative Troy Heinert** said that he would like the committee to show its support for the JAG program. Representative May said that she is not comfortable supporting the program until she has more information on the administration costs.

**REPRESENTATIVE HEINERT MOVED, SECONDED BY SENATOR SUTTON, THAT THE STATE TRIBAL RELATIONS COMMITTEE SUPPORT THE JAG PROGRAM AND THE PROPOSED FUNDING FOR THAT PROGRAM IN THE GOVERNOR'S BUDGET. The motion failed by roll call vote with 5 voting AYE, 1 voting NAY, 4 EXCUSED. Those voting AYE: Killer, Qualm, Sutton, Heinert, Bradford. Those voting NAY: May. Those EXCUSED: Jones, Otten, Tieszen, Verchio.**

The members of the committee thanked Senator Bradford for all the years of hard work he has done as a member and then chair of this committee.

## **Adjournment**

**REPRESENTATIVE QUALM MOVED, SECONDED BY REPRESENTATIVE MAY, TO ADJOURN. The motion prevailed unanimously on a voice vote.**

The committee adjourned at 3:20 p.m.

*This meeting is being held in a physically accessible location. Any individual needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) in advance of the meeting to make further arrangements.*

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